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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,097	06/01/2001	Xin Xin	TE2-089	3141

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EXAMINER

HYEON, HAE M

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,097

Applicant(s)

XIN ET AL.

Examiner

Hae M Hyeon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-15 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claims 1-14 are objected to because of the following informalities:
 - The phrase “**may be**” recited in claims 1-7 make the claims indefinite because claims are not clearly reciting what can be done or what cannot be done for the instant invention.
 - Claims 8-13, line 2 recites, “a tray framework.” Claims 8-13 should recite, -- the tray framework --.
 - Claim 14, line 3 recites, “framework;” but lines 14-15 recite, “tray framework.” The same element should have the same terminology consistently through out the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: a front end fiber optic cable guard related to the tray system and accessing the monitor adapters through the front end.

Claim 7 is depended on claims 1 and 5, which do not recite the front end fiber optic cable guard. Claims 1 and 5 also do not recite how the front end fiber optic cable guard is mounted to the tray system. Thus, claim 7 becomes unclear when it recites that the monitor adapters are

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accessed without movement of the front end fiber optic cable guard because the relationship between the tray system and the front end fiber optic cable guard was not described in claims 1 and 5. It seems that claim 7 should be depended on claim 4, which recites the fiber optic cable guard

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghandeharizadeh et al (5,490,229) in view of Vidacovich et al (5,402,515).

Ghandeharizadeh discloses a fiber optic tray system comprising a tray framework 20 having a plurality of fiber optic adapters 35 mounted longitudinally and recessed from a front end 38 of the framework 20. The adapters 35 are recessed from the front end of the framework 20 such that fiber optic cables 36 attached to the adapters 35 are housed within the front end 38 while maintaining a pre-determined minimum bend radius in the cables 36. The framework 20 is a tray chassis slidably mounted within a cabinet 10. The framework 20 also includes a front cable guard 43 movably attached to the tray framework 20 proximate the front end 38. However, the tray framework 20 of Ghandeharizadeh does not have optical fiber splitters. Instead, the tray framework 20 of Ghandeharizadeh includes splice tray 30.

Vidacovich discloses a fiber optic tray system that can have one or more accessories such as splices, couplers, splitters, etc. Therefore, Vidacovich teaches that the use of splitter over splice only deals with the use of one accessory over the other for the desired function.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the tray framework taught by Ghandeharizadeh such that it would have a splitter as taught by Vidacovich because it only deals with the use of one accessory over the other for the desired function.

In regarding to claim 5, Ghandeharizadeh only describes the tray framework having an optical fiber adapter 35 without explaining a type of adapter. However, Ghandeharizadeh can be monitor adapter because it is a common knowledge that many different types of the optical fiber adapters exist.

In regarding to claim 8-13, they only recite different number of splitters mounted on the tray framework, which only deals with a duplication of parts. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ghandeharizadeh et al and Vidacovich et al as applied to claims 1-3, 5 and 8-13 above, and further in view of Larson et al (5,530,954).

Claim 6 recites that the monitor adapters are accessed from through the front end of the tray framework without sliding the tray outward.

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The tray framework of Ghandeharizadeh cannot access the adapters without sliding the tray outward because the front end of the tray framework has a fixed wall. However, Vidacovich discloses a tray framework having a plurality of fiber optic adapters mounted recessed from a front end of the framework and a cover 30 pivotally mounted at the front end. The cover is pivotable either upward or downward to enable the telecommunication worker to gain ready access to the interior of the tray framework 20. Therefore, the adapters can be accessed without sliding the tray outward.

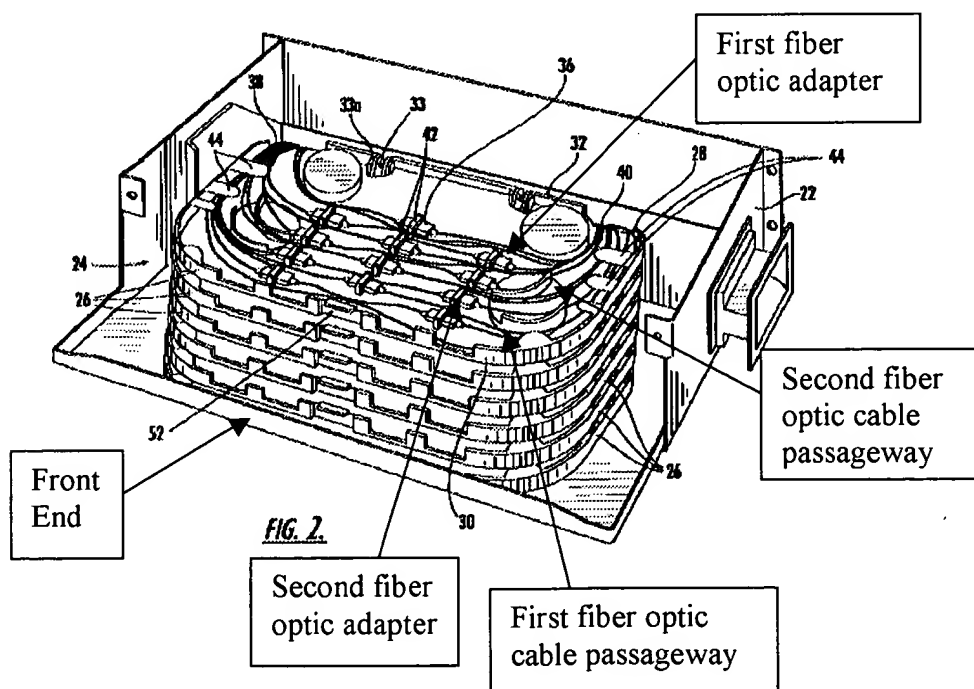
It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the tray framework taught by Ghandeharizadeh such that it would have a cover pivotable either upward or downward at a front end of the tray framework as taught by Larson because a telecommunication worker can gain access to the interior of the tray framework without sliding the tray outward.

7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (6,009,224) in view of Ghandeharizadeh et al (5,490,229).

Allen discloses a fiber optic cable routing system comprising a framework having first and second adapters recessed from a front end and first and second fiber optic cable passageways on the framework adjacent the first side. However, the first and second adapters of Allen are oriented perpendicular to the front end and the first and second fiber optic cable passageways are generally parallel to an orientation of first and second fiber optic cables attached to the first and second adapters, respectively. Therefore, the first fiber optic cable passageway is not further away from the first and the second fiber optic adapters than the second fiber optic cable passageway. However, when the first and second fiber optic adapters of Allen are oriented

parallel to the front end as taught by Ghandeharizadeh, the first and second fiber optic cable passageway will be transverse to the orientation of the first and second fiber optic cables and the first fiber optic cable passageway will be further away from the first and the second fiber optic adapters than the second fiber optic cable passageway. Furthermore, the first fiber optic cable is able to pass through the first fiber optic cable passageway and the second fiber optic cable is able to pass through the second fiber optic cable passageway. Providing a pre-determined bend radius for the fiber optic cables is a standard procedure in an optical fiber.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the fiber optic cable routing system taught by Allen such that it would have fiber optic adapters oriented parallel to a front end of a framework as taught by Ghandeharizadeh because it only deals with a rearrangement of parts since rearranging the orientation of the adapters will not change the function of the framework of Allen. It has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.



Allowable Subject Matter

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: None of the cited prior arts show a fiber optic splitter tray system comprising a fiber optic cable guard releasably mounted to a tray framework, which is movable vertically downward and is slidable rearward from the downward position. Also, none of the cited prior arts show monitor adapters being accessed from through a front end of the tray framework without movement of a front end fiber optic cable guard.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No 5,339,379 by Kutsch et al., US Patent No. 5,353,367 by Czosnowski et al., US Patent No. 5,511,144 by Hawkins et al. and US Patent No. 6,504,986 B1 by Wambeke et al.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hae M Hyeon whose telephone number is 703-308-4802. The examiner can normally be reached on Mon.-Fri. (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D Feild can be reached on 703-308-2710. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Hae M Hyeon
Examiner
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hnh *hnh*
June 16, 2003

Hae Moon Hyeon